IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Bates *et al.*	**Conf. No.:**	9951
Serial No.:	10/062,102	**Art Unit:**	2173
Filing Date:	01/31/2002	**Examiner:**	Basom, Blaine T.
Title:	METHOD AND SYSTEM FOR SELECTING MULTIPLE SETS OF DATA IN AN APPLICATION	**Docket No.:**	END920010052US1 (IBME-0027)

Mail Stop Appeal Brief- Patents
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BRIEF OF APPELLANTS

This is an appeal from the Final Rejection dated January 24, 2007, rejecting claims 1-26.

This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

As filed, this case included claims 1-26. Claims 1-26 remain pending. Claims 1-26 stand rejected and form the basis of this appeal.

STATUS OF AMENDMENTS

No amendment has been submitted in response to the After Final Rejection filed by the Office on January 24, 2007.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention provides a method and system for selecting multiple sets of data in an application. Specifically, under the present invention, a first set of data is selected. Then, a predetermined keystroke is performed. After the keystroke is performed, a second set of data can be selected while the first set of data remains selected. The present invention also allows for multiple portions of a selected set of data to be selected. Specifically, the user can select a first portion of a selected set of data, perform another keystroke, and then select a second portion of the set while both the first portion and the set remain selected.

Claim 1 claims a method for selecting multiple sets of data in an application (see e.g., page 8, line 16 through page 9, line 9; Fig. 1, item 12), comprising the steps of: selecting a first set of data within the application (see e.g., page 9, lines 19-21; Fig. 2, item 50); and selecting a second set of data within the application (see e.g., page 10, lines 3-5; Fig. 2, item 52), wherein the first set of data remains selected during the selection of the second set of data (see e.g., page 10, lines 3-5; Fig. 2, items 50, 52), wherein the method is adapted to allow selecting of the

second set of data anywhere within the application irrespective of a location of the first set of data (see e.g., page 10, line 11 through page 11, line 24; Fig. 2, items 50, 52).

Claim 9 claims a method for selecting multiple sets of data in an application, comprising the steps of: providing an application for manipulating data (see e.g., page 8, line 16 through page 9, line 9; Fig. 1, item 12); selecting a first set of data within the application (see e.g., page 9, lines 19-21; Fig. 2, item 50); performing a first predetermined keystroke (see e.g., page 9, line 22 through page 10, line 10); and selecting a second set of data within the application (see e.g., page 10, lines 3-5; Fig. 2, item 52), wherein the first set of data remains selected during the selection of the second set of data (see e.g., page 10, lines 3-5; Fig. 2, items 50, 52), wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data (see e.g., page 10, line 11 through page 11, line 24; Fig. 2, items 50, 52).

Claim 17 claims a method for selecting multiple sets of data in an application, comprising the steps of: providing an application for writing computer code (see e.g., page 8, line 16 through page 9, line 9; Fig. 1, item 12); selecting a first set of data within the application (see e.g., page 9, lines 19-21; Fig. 2, item 50); performing a predetermined keystroke (see e.g., page 9, line 22 through page 10, line 10); selecting a second set of data within the application after selecting the keystroke (see e.g., page 10, lines 3-5; Fig. 2, item 52), wherein the first set of data remains selected during the selection of the second set of data (see e.g., page 10, lines 3-5; Fig. 2, item items 50, 52) based upon the keystroke (see e.g., page 9, line 22 through page 10, line 10); selecting, in a distinctive manner, a portion of one of the selected sets of data (see e.g., page 11, line 9 through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C), wherein the one of the selected sets of data remains selected during the selection of the portion (see e.g., page 11, line 9

through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C); pasting the selected sets of data to a predetermined area (see e.g., page 12, line 7 through page 13, line 2; Fig. 3, item 44); and manipulating the selected portion after the pasting step (see e.g., page 13, lines 3-14; Fig. 3, item 44), wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data (see e.g., page 10, line 11 through page 11, line 24; Fig. 2, items 50, 52).

Claim 21 claims a program product stored on a recordable medium for selecting multiple sets of data in an application (see e.g., page 8, line 16 through page 9, line 9; Fig. 1, item 12), which when executed, comprises: program code configured to select a first set of data (see e.g., page 9, lines 19-21; Fig. 2, item 50) and a second set of data within the application (see e.g., page 10, lines 3-5; Fig. 2, item 52), wherein the first set of data remains selected during the selection of the second set of data (see e.g., page 10, lines 3-5; Fig. 2, items 50, 52) based upon a predetermined keystroke (see e.g., page 9, line 22 through page 10, line 10); and program code configured to select, in a distinctive manner, a portion of one of the selected sets of data (see e.g., page 11, line 9 through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C), wherein the one of the selected sets of data remains selected during the selection of the portion (see e.g., page 11, line 9 through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C), wherein the program product is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data (see e.g., page 10, line 11 through page 11, line 24; Fig. 2, items 50, 52).

Claim 23 claims a system for selecting multiple sets of data in an application (see e.g., page 8, line 16 through page 9, line 9; Fig. 1, item 12), comprising: a set selection system for selecting a first set of data (see e.g., page 9, lines 19-21; Fig. 2, item 50) and a second set of data

within the application (see e.g., page 10, lines 3-5; Fig. 2, item 52), wherein the first set of data remains selected during the selection of the second set of data (see e.g., page 10, lines 3-5; Fig. 2, items 50, 52) based upon a predetermined keystroke (see e.g., page 9, line 22 through page 10, line 10); and a portion selection system for selecting, in a distinctive manner, a portion of one of the selected sets of data (see e.g., page 11, line 9 through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C), wherein the one of the selected sets of data remains selected during the selection of the portion (see e.g., page 11, line 9 through page 12, line 6; Fig. 2, item 50, 52, 56A-D, 58A-C), wherein the system is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data (see e.g., page 10, line 11 through page 11, line 24; Fig. 2, items 50, 52).

Claim 6 claims the method of claim 1, wherein the method is adapted to allow selection of the second set of data that is non-contiguous with the first set of data (see e.g., page 10, line 11 through page 11, line 24).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 9, 17, 21 and 23 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.
2. Claims 1- 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Carroll (U.S. Patent No. 6,683,631), hereafter "Carroll."

ARGUMENT

1. REJECTION OF CLAIMS 1, 9, 17, 21 AND 23 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Appellants respectfully submit that the rejection of claims 1, 9, 17, 21 and 23 under 35 U.S.C. §112, first paragraph is defective.

In the above referenced Final Office Action, the Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner has stated that the specification does not explicitly disclose or suggest that the method is adapted to allow selecting of the second set of data anywhere within the application, irrespective of a location of the first set of data. Appellants respectfully submit that page 10, line 11 through page 11, line 24, *inter alia*, teach that the second set of data may be contiguous with, non-contiguous with, or within the first set of data and describes ways of performing this second selection. To this extent, Appellants' original specification teaches allowing selection of a second set of data anywhere within the application, irrespective of a location of the first set of data. As such, Appellants' original specification complies with the written description requirement.

2. REJECTION OF CLAIMS 1-26 UNDER 35 U.S.C. §102(e) OVER CARROLL

Appellants respectfully submit that the rejection of claims 1-26 under 35 U.S.C. 102(e) over Carroll is defective.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); see MPEP § 2131, p. 2100-69. Because each and every element of claims 1-26 is not found in Carroll, Appellants respectfully request overrule of the rejection under 35 U.S.C. §102(e).

In the above referenced Final Office Action, the Examiner alleges that Carroll teaches selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data. However, the portion of Carroll cited by the Office teaches, "...in the illustrated embodiment, the user wishes to extend the selected region 106 to the end of the sentence." Col. 3, lines 28-30. Interpreting Carroll solely for the purpose of this paper, the passage of Carroll cited by the Examiner teaches a selected region that can be extended, i.e., an adjacent region may be appended to the previously selected region. The Office states that "[s]ince the user can freely move the positional indicator to any location, as is well known in the art, it is clear that the active select region may be located anywhere chosen by the user." Office Action, page 2. Appellants respectfully disagree with this statement of the Office for the following reasons.

First, Appellants respectfully submit that the Office's factual statement is not supported by the Carroll specification. Specifically, Carroll teaches selecting an initial region (col. 3, lines 33-50), extending the initial region by appending onto the initial region (col. 4, lines 1-19) and

deselecting an area within the initial region (col. 4, lines 53-65). To this extent, the selecting of additional content in Carroll is always taught as being contiguous with the previously selected region as the cursor for addition additions content is taught as being "...positioned at the edge of the selected region." Col. 4, line 2. As such, the newly selected content of Carroll is always contiguous with the previously selected content. Thus, the newly selected content of Carroll depends upon the position of the previously selected content.

Further, Carroll never teaches that its additional content may be chosen in an area that is not contiguous with the previously selected content while the previously selected content remains selected. As such, the newly selected content of Carroll is always dependent upon the location of the previously selected content. Finally, Appellants respectfully submit that the Office's factual statement amounts to Official Notice and have requested, without result, that the Office provide references that teach this feature or withdraw the rejection.

In contrast, the claimed invention includes "...selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data." Claim 1. As such, unlike the extended portion of Carroll, in the claimed invention, the second set of data of the claimed invention may be anywhere within the application irrespective of a location of the first set of data. Thus, the selecting of the second set of data is not taught by the extending of Carroll.

In the above referenced Final Office Action, the Examiner also alleges that Carroll teaches selecting, in a distinctive manner, a portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the portion. The Examiner, in his arguments to the contrary, cites a passage of Carroll that recites "[t]he active

select region preferably has a different appearance than text outside of this region." Col. 3, lines 47-48. However, the passage cited by the Office describes the initial selection of the active select region. To this extent, the "different appearance than text outside of this region" of Carroll indicates that selected text has a different appearance from non-selected text and not that it has a different appearance from previously selected text, as the selection of additional text is not described here, but rather later in the specification. See e.g., col. 4, lines 1-19. Furthermore, the portion of Carroll that teaches having an active select region to select new content indicates that this content begins at the edge of the previously selected region, and not within the previously selected region. As such, Carroll does not teach a subsequent selection being selected in a distinctive manner from the previously selected text.

The claimed invention, in contrast, includes "...selecting, in a distinctive manner, a portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the portion." Claim 17. As such, the selection of the portion as included in the claimed invention, does not merely perform an initial selection of information or select information that is outside of the originally selected information, but rather selects a portion of one of the selected sets of data in a distinctive manner, such that the selected set of data from which the portion is selected remains selected during the selection of the portion. For the above reasons, the selection of the portion as included in the claimed invention is not taught by the different appearance of Carroll.

In the above referenced Final Office Action, the Examiner also alleges that Carroll teaches that the method is adapted to allow selection of the second set of data that is non-contiguous with the first set of data. However, the portion of Carroll cited by the Office teaches "...allow[ing] users to process target information when the target information regions are

noncontiguous without having to select and process each of the noncontiguous target information regions separately." Col. 2, lines 6-8. To this extent, the object that is given in the above cited section of Carroll is at odds with the claimed invention, in which "...the method is adapted to allow selection of the second set of data that is non-contiguous with the first set of data." Claim 6. As such, in contrast to Carroll, in which the user does not select noncontiguous target information regions separately, the method of the claimed invention is adapted to allow selection of the second set of data that is non-contiguous with the first set of data. Thus, Carroll does not teach the independent selection the non-contiguous sets of data of the claimed invention.

CONCLUSION

In summary, Appellants submit that claims 1-26 are allowable the original specification of the invention meets the written description and because Carroll fails to teach each and every feature of the claimed invention.

Respectfully submitted,

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CLAIMS APPENDIX

Claim Listing:

1. A method for selecting multiple sets of data in an application, comprising the steps of:
selecting a first set of data within the application; and
selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data,
wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.

2. The method of claim 1, further comprising the step of performing a predetermined keystroke after the first selecting step, wherein the selected keystroke allows the first set of data to remain selected during the selection of the second set of data.

3. The method of claim 1, further comprising the steps of:
simultaneously copying the selected sets of data; and
simultaneously pasting the copied sets of data to a predetermined area.

4. The method of claim 1, further comprising the step of selecting, in a distinctive manner, a first portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the first portion.

5. The method of claim 4, further comprising the steps of:
selecting, in a distinctive manner, a second portion of the one of the selected set of data, wherein the first portion remains selected during the selection of the second portion based upon a predetermined keystroke; and
manipulating the selected portions.

6. The method of claim 1, wherein the method is adapted to allow selection of the second set of data that is non-contiguous with the first set of data.

7. The method of claim 1, wherein the data is text.

8. The method of claim 1, further comprising the step of de-selecting a selected set of data.

9. A method for selecting multiple sets of data in an application, comprising the steps of:
providing an application for manipulating data;
selecting a first set of data within the application;
performing a first predetermined keystroke; and
selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data,
wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.

10. The method of claim 9, further comprising the steps of:

selecting, in a distinctive manner, a first portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the first portion;

performing a second predetermined keystroke; and

selecting, in a distinctive manner, a second portion of the one of the selected set of data, wherein the first portion remains selected during the selection of the second portion based upon the second predetermined keystroke.

11. The method of claim 10, further comprising the step of pasting the selected sets of data to a predetermined area.

12. The method of claim 11, further comprising the step of manipulating the selection portions in the predetermined area.

13. The method of claim 9, wherein the method is adapted to allow selection of the second set of data that is non-contiguous with the first set of data.

14. The method of claim 9, wherein the data is text.

15. The method of claim 9, wherein the application is for writing computer code.

16. The method of claim 9, further comprising the step of de-selecting a selected set of data.

17. A method for selecting multiple sets of data in an application, comprising the steps of:

providing an application for writing computer code;

selecting a first set of data within the application;

performing a predetermined keystroke;

selecting a second set of data within the application after selecting the keystroke, wherein the first set of data remains selected during the selection of the second set of data based upon the keystroke;

selecting, in a distinctive manner, a portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the portion;

pasting the selected sets of data to a predetermined area; and

manipulating the selected portion after the pasting step,

wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.

18. The method of claim 17, further comprising the step of copying the selected sets of data, prior to the pasting step.

19. The method of claim 17, further comprising the step of cutting the selected sets of data, prior to the pasting step.

20. The method of claim 17, wherein the data is text.

21. A program product stored on a recordable medium for selecting multiple sets of data in an application, which when executed, comprises:

program code configured to select a first set of data and a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data based upon a predetermined keystroke; and

program code configured to select, in a distinctive manner, a portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the portion,

wherein the program product is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.

22. The program product of claim 21, wherein the application is an application for writing computer code and comprises:

program code configured to copy the selected sets of data;

program code configured to cut the selected sets of data;

program code configured to paste the selected sets of data;

program code configured to de-select a selected set of data; and

program code configured to manipulate the selected portion.

23. A system for selecting multiple sets of data in an application, comprising:

a set selection system for selecting a first set of data and a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data based upon a predetermined keystroke; and

a portion selection system for selecting, in a distinctive manner, a portion of one of the selected sets of data, wherein the one of the selected sets of data remains selected during the selection of the portion,

wherein the system is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data.

24. The system of claim 23, further comprising a manipulation system for manipulating the selected portion.

25. The system of claim 23, further comprising:

a copy system for copying the selected sets of data;

a cutting system for cutting the selected sets of data;

a pasting system for pasting the selected sets of data; and

an undo system for de-selecting a selected set of data.

26. The system of claim 25, wherein the undo system allows a user to de-select a selected portion.

EVIDENCE APPENDIX

No evidence is entered and relied upon in the appeal.

RELATED PROCEEDINGS APPENDIX

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.